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10/706,974	11/14/2003	Hussein Sallam	BDI0004-US	7503

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EXAMINER
WINDER, PATRICE L

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 December 2007</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-43</u> is/are pending in the application.

    4a) Of the above claim(s) <u>30-36</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-29 and 37-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>14 November 2003</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10-8-2004</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____

DETAILED ACTION

Election/Restrictions

1.   Claims 30-36 withdrawn from further consideration pursuant to 37 CFR 1.142(b)

as being drawn to a nonelected invention, there being no allowable generic or linking

claim. Election was made **without** traverse in the reply filed on December 3, 2007.

Drawings

2.   Figure s 1-3 should be designated by a legend such as --Prior Art-- because only

that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

4.   Claims 1-29 and 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated

by Rezvani et al., USPN 6,686,838 B1 (hereafter referred to as Rezvani).

[claims 1, 4] Rezvani taught a system for communicating with smart telemetry devices

as Web Services (abstract), the system comprising:

        a software application (column 6, lines 28-37); a smart telemetry device (column

7, lines 9-24); and

        a server (column 6, lines 38-47), wherein the server accepts a request from the

software application comprising one or more of discovering, configuring, and controlling

the smart telemetry device via a Web Service technology (column 9, lines 15-21),

forwards the request to the smart telemetry device via a protocol native to the smart

telemetry device, receives information from the smart telemetry device in response to

the request via the protocol native to the smart telemetry device (column 9, lines 6-14),

and

returns the information to the software application via the Web Service

technology (column 8, lines 59-65).

[claims 2, 5] Rezvani taught the Web Service technology comprises one or more of

XML, SOAP, WSDL, UDDI, HTTP, and SMTP (column 5, lines 2-10; column 9, lines 34-

39).

[claims 3, 6] Rezvani taught the smart telemetry device comprises one or more of a

controller device and a monitor device (column 7, lines 13-15).

[claims 7, 26] Rezvani taught a system for communicating with smart telemetry devices

as Web Services (abstract), the system comprising:

a software application (column 6, lines 28-37); a smart telemetry device (column

7, lines 9-24); and

a server (column 6, lines 38-47), wherein the server accepts a request from the

software application comprising discovering, configuring, and controlling the smart

telemetry device via a first Web Service technology (column 9, lines 15-21, 42-52),

forwards the request to the smart telemetry device via a second Web Service

technology, receives information from the smart telemetry device in response to the

request via the second Web Service technology (column 9, lines 6-14, column 11, lines

15-24), and

returns the information to the software application via the first Web Service technology

(column 8, lines 59-65).

[claims 8, 27] Rezvani taught the first Web Service technology comprises one or more

of XML, SOAP, WSDL, UDDI, HTTP, and SMTP (column 5, lines 2-10; column 9, lines

34-39).

[claims 9, 28] Rezvani taught the second Web Service technology comprises one or more of XML, SOAP, WSDL, UDDI, HTTP, and SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claim 10, 29] Rezvani taught the smart telemetry device comprises one or more of a controller device and a monitor device (column 7, lines 13-15).

[claim 11] Rezvani taught the server provides Web Services accessible to the software application that provide communication and management interfaces for the smart telemetry device (column 6, lines 14-26, 38-42), an infrastructure allowing for the smart telemetry device to exchange services with the server (column 7, lines 1-8), and core Web Services that provide functionality to both the software application and the smart telemetry device (column 9, lines 40-48).

[claim 12] Rezvani taught configuration management that allows the application to determine the current settings for the smart telemetry device and to change a specific setting on the smart telemetry device (column 9, lines 21-34; column 11, lines 18-24).

[claim 13] Rezvani taught a directory service that enables the application to locate the smart telemetry device based on one or more of serial number, model number, location, state, communication protocol, and function of the smart telemetry device (column 9, lines 15-17, 27-34).

[claim 14] Rezvani taught a messaging service that allows the application to manage the messages and alerts that the smart telemetry device can send (column 10, lines 56-60; column 11, lines 9-15, 50-63).

[claim 15] Rezvani taught a security service that allows the application to manage the access control and security settings for the smart telemetry device (column 17, lines 25-50).

[claim 16] Rezvani taught a device specific service that allows the application to access functions that are specific to the smart telemetry device (column 9, lines 44-48, 53-58; column 10, lines 1-10).

[claim 17] Rezvani taught a device message service that provides a mechanism for generating out-bound messages that are specific to the smart telemetry device (column 9, lines 2-14).

[claim 18] Rezvani taught a device message translator that translates incoming messages from the smart telemetry device into server scripts (column 14, lines 52-56).

[claim 19] Rezvani taught a device extension service that allows the smart telemetry device to offload functionality so that it may be executed on the server (column 10, lines 49-58).

[claim 20] Rezvani taught a device switchboard that is responsible for routing in and out message queues of the smart telemetry device (column 14, lines 15-30).

[claim 21] Rezvani taught a core configuration management service that allows the smart telemetry device to store its configuration parameters on the server (device descriptors 49, column 9, lines 22-30).

[claim 22] Rezvani taught a universal message service that allows the smart telemetry device to store its message on the server (column 11, lines 54-63).

[claim 23] Rezvani taught a dial-tone access management service that allows the smart

telemetry device to communicate with the application using intermittent or shared

connections (periodic communications, column 11, lines 50-63).

[claim 24] Rezvani taught a security core service that allows the smart telemetry device

to communicate in a secure and non-repudiated manner (column 12, lines 19-27).

[claim 25] Rezvani taught a device class interface service that allows the smart

telemetry device to specify the interface that that the application can use to access the

smart telemetry device (column 9, lines 2-6, 15-21).

[claim 37] Rezvani taught a method used by a server to facilitate the communication

between a software application and a smart telemetry device (abstract), the method

comprising:

accepting a request from the smart telemetry device to send information to the

application via a protocol native to the smart telemetry device (column 9, lines 6-14,

column 11, lines 15-24); and

forwarding the information to the application via a Web Service technology

(column 9, lines 31-37).

[claim 38] Rezvani taught the Web Service technology comprises one or more of XML,

SOAP, WSDL, UDDI, HTTP, and SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claim 39] Rezvani taught the smart telemetry device comprises one or more of a

controller device and a monitor device (column 7, lines 13-15).

[claim 40] Rezvani taught a method used by a server to facilitate the communication

between a software application and a smart telemetry device (abstract), the method

comprising:

accepting a request from the smart telemetry device to send information to the application via a first Web Service technology (column 9, lines 6-14, column 11, lines 15-24); and

forwarding the information to the application via a second Web Service technology (column 9, lines 31-37).

[claim 41] Rezvani taught the first Web Service technology comprises one or more of XML, SOAP, WSDL, UDDI, HTTP, and SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claim 42] Rezvani taught the second Web Service technology comprises one or more of XML, SOAP, WSDL, UDDI, HTTP, and SMTP (column 5, lines 2-10; column 9, lines 34-39).

[claim 43] Rezvani taught the smart telemetry device comprises one or more of a controller device and a monitor device (column 7, lines 13-15).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.   Petite et al., WO 01/35190 A2: taught a system for monitoring and controlling remote devices, i.e. smart telemetry devices, through a local gateway that translates and transmits information from transceivers to a remote computer on the network;

  b. Gelvin et al., WO 01/26335 A2: taught WINS nodes that provides

monitoring and controlling capabilities to applications through Internet access to

sensors, controls, and processors embedded in equipment in an environment;

  c. Petr Cach et al., Sensor/Actuator Web-Oriented Interface: taught

collecting data from smart sensors using an Ethernet interface, a web server and

an ftp server embedded in the smart sensor; and

  d. Kyle Mitchell et al., Web-Controlled Wireless Network Sensors for

Structure Health Monitoring: taught integration of wireless network sensors and a

web interface that allows easy remote access and operation from HTML screens

through a web server.

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Patrice Winder whose telephone number is 571-272-

3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

  If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2145

February 15, 2008